

# Wetlands Bureau Decision Report

Decisions Taken  
07/21/2003 to 07/25/2003

## **DISCLAIMER:**

This document is published for information purposes only and does not constitute an authorization to conduct work. Work in jurisdiction may not commence until the applicant has received a posting permit.

Decisions are subject to appeal, and are reviewed by the federal agencies for compliance with Section 404 of the Federal Clean Water Act.

## **APPEAL:**

I. Any affected party may ask for reconsideration of a permit decision in accordance with RSA 482-A:10,II within 20 days of the Department's issuance of a decision. Requests for reconsideration should:

- 1) describe in detail each ground for complaint. Only grounds set forth in the request for reconsideration can be considered at subsequent levels of appeal;
- 2) provide new evidence or information to support the requested action;
- 3) Parties other than the applicant, the town, or contiguous abutters must explain why they believe they are affected; and
- 4) Be mailed to the DES Wetlands Bureau, PO Box 95, Concord, NH 03302-0095.

II. An appeal of a decision of the department after reconsideration may be filed with the Wetlands Council in accordance with RSA 482-A:10, IV within 30 days of the department's decision. Filing of the appeal must:

- 1) be made by certified mail to Brian Fowler, Chairperson, Wetlands Council, PO Box 95, Concord, NH 03302-0095 (a copy should also be sent to the DES Wetlands Bureau);
- 2) contain a detailed description of the land involved in the department's decision; and
- 3) set forth every ground upon which it is claimed that the department's decision is unlawful or unreasonable.

## MAJOR IMPACT PROJECT

\*\*\*\*\*

**1999-01325                      EGAN, RICHARD**  
**GILFORD   Lake Winnepesaukee**

### Requested Action:

Amend Permit: after the fact approval to include 4 ft 9 in by 18 ft access walkway to beach area.

\*\*\*\*\*

### Conservation Commission/Staff Comments:

Gilford CC Has no objection provided cantilevered dock does not exceed 30 feet from shore.

### APPROVE AMENDMENT:

Amend permit to read: Remove an existing 6 ft x 14 ft concrete pad and 20 ft long stone jetty. Fill 500 sq ft to construct a 30 ft breakwater with a 10 ft gap at the shoreline and a 4 ft x 36 ft cantilevered pier and 4 ft 9 in by 18 ft walkway to access beach area on 100 feet of frontage on Lake Winnepesaukee.

### With Conditions:

1. All work shall be in accordance with plans by Winnepesaukee Marine Construction as received by the Department on December 6, 2002.
2. All portions of the concrete pad and stone jetty shall be completely removed from the frontage prior to the construction of any new structures on the frontage.
3. There shall be no change to the existing stairs and walkways located in the bank.
4. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
5. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
6. No portion of breakwater, as measured at the normal high water line, shall extend more than 40 feet from normal full lake shoreline.
7. Top of breakwater shall be no more than three feet in elevation above normal full lake elevation.
8. These shall be the only structures on this water frontage and all portions of the structures, including the underwater portion of the breakwater, shall be at least 20 ft from the abutting property lines or the imaginary extension of those lines into the water.
9. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
10. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
11. Work shall be conducted in a manner that avoids excessive discharges of sediments to fish spawning areas.
12. This facility is permitted with the condition that future maintenance dredging, if needed, shall not be permitted more frequently than once every 6 years, and that a new permit shall be required for each dredge activity.
13. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

### With Findings:

1. This project is classified as a major project per Rule Wt 303.02(j), construction of a breakwater.
2. This site meets the requirements of Rule Wt 402.07, Breakwaters.
3. This site does experience significant sand migration.
4. Public hearing is waived, based on field inspection by NH DES Wetlands Bureau staff on November 7, 1999, with the finding that the project impacts will not significantly impair the resources of this area of the Lake Winnepesaukee shoreline.
5. Maintenance dredging of this facility will not adversely effect this shoreline provided that it occurs no more frequently than once every 6 years.
6. The amendment as approved will reduce the sq ft impacts of the docking facility to the public submerged lands compared to that which was previously approved and provide safe access to the water.

-Send to Governor and Executive Council-

**2000-00526                      DERRY, TOWN OF**  
**DERRY   Unnamed Wetland**

Requested Action:

The Town of Derry, through a letter received from attorney Steven A. Clark, has requested amendments to the permit conditions (received July 21, 2003) to allow additional time for construction of the restoration areas and recordation of the conservation easements. The request is for a time extension to October 15, 2003.

\*\*\*\*\*

Inspection Date: 11/30/2000 by Gino E Infascelli

APPROVE AMENDMENT:

Reconsider the wording in Condition #s 5, 29 and 30 and issue an amendment to the permit to read:

Dredge and fill a total of 28,850 sq. ft. of forested and scrub/shrub wetlands for three road crossings, two multi-purpose fields and temporary impact for a sewer line and water line crossing to develop a wooded lot into athletic park. Remove sediment from stream; restore 40,177 sq. ft. of wetland and construct 22,396 sq. ft. of wetlands to be placed in a conservation easement (2.168 acres) and provide an additional 17 acres in conservation easement.

With Conditions:

1. All work shall be in accordance with plans by:
  - a. TF Moran Inc. dated March 23, 2000, revised 5/29/02 as received by the Department on June 6, 2002;
  - b. Restoration plan by Gary Flaherty & Associates dated February 15, 2001, revised 5/31/02 as received by the Department on June 6, 2002; and
  - c. Easement Plan by TF Moran Inc. dated March 23, 2000, revised 4/13/03 and received on April 28, 2003.
2. This permit is contingent on an AMENDED approval by the DES Site Specific Program.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. Proper headwalls shall be constructed within seven days of culvert installation.
5. Record the plan with conservation easement for each appropriate lot by October 15, 2003 and submit a certified receipt from the Rockingham County Registry of Deeds to the DES Wetlands Bureau.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
8. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
9. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
10. Silt fencing must be removed once the area is stabilized.
11. Wetland replication area shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or it shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.
12. Work shall be done during low flow.

Wetland construction and restoration:

13. This permit is contingent upon the removal of sediment from a stream, the construction of 22,396 sq. of wetlands and the restoration of 40,177 sq. ft. of wetlands in accordance with plans received June 6, 2002.
14. The schedule for construction of the mitigation area shall coincide with site development unless otherwise considered and authorized by the Wetlands Bureau to occur subsequent to site construction.
15. The mitigation area shall be properly constructed, monitored, managed in accordance with approved final mitigation plans, and

the entire mitigation area shall be preserved from future development.

16. Wetland soils from areas vegetated with purple loosestrife shall not be used in the wetland creation site. In other areas the permittee considers spreading the spoils, the potential for the establishment of the invasive species should be considered to limit its further establishment.

17. Wetland creation and enhancement areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or it shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.

18. Wetland construction areas shall be properly constructed, landscaped, monitored and remedial actions taken that may be necessary to create functioning wetland areas similar to those of the wetlands destroyed by the project. Remedial measures may include replanting, relocating plantings, removal of invasive species, changing soil composition and depth, changing the elevation of the wetland surface, and changing the hydraulic regime.

19. The permittee shall designate a qualified professional who will have the responsibility to assure that the mitigation area is constructed in accordance with the mitigation plan, that monitoring is accomplished in a timely fashion, and remedial measures are taken if necessary. The Wetlands Bureau shall be notified of the designated professional prior to the start of work and if there is a change of status during the project.

20. The permittee shall monitor the initial construction of the mitigation area to assure the work is accomplished in accordance with the plan, and that the necessary soil, water and vegetation is present upon completion of work. Site monitoring shall include a plan for removing invasive species and shall be reviewed by the Wetlands Bureau prior to implementation.

21. The permittee shall conduct a follow-up inspection after the first growing season, to review the success of the mitigation area and schedule remedial actions if necessary. A report outlining these follow-up measures and a schedule for completing the remedial work shall be submitted by December 1 of that year. Similar inspections, reports and remedial actions shall be undertaken in at least the second and third years following the initial completion of each mitigation site.

22. After at least five full growing seasons, the permittee shall delineate the wetlands within the mitigation site and document the delineation with data forms and depict the delineation as an overlay of the final as-built plans.

23. The permittee shall attempt to control invasive, weedy species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*) by measures agreed upon by the Wetlands Bureau if the species is found in the mitigation areas during construction and during the early stages of vegetative establishment.

#### Wetland preservation:

24. This permit is contingent upon the execution of a conservation easement on 19 acres as depicted on plans received June 6, 2002.

25. The conservation easements to be placed on the preservation areas shall be written to run with the land, and both existing and future property owners shall be subject to this easement.

26. Draft conservation easement language shall be submitted to the Wetlands Bureau and local Conservation Commission for review and approval.

27. The plan noting the conservation easement with a copy of the final easement language shall be recorded with the Registry of Deeds Office for each appropriate lot. A copy of the recording from the County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau prior to further construction.

28. The applicant shall prepare a report summarizing existing conditions within the conservation area. Said report shall contain photographic documentation of the easement area, and shall be submitted to the DES and the grantee prior to further construction to serve as a baseline for future monitoring of the easement area.

29. The conservation easement area shall be surveyed by a licensed surveyor, and marked by monuments as shown on the Easement Plan by TF Moran Inc. dated March 23, 2000, revised 4/13/03 and received on April 28, 2003 and prior to October 15, 2003.

30. Signs locating the Conservation Easement shall be placed along each line, not to exceed 150 ft. apart, and as shown on the Easement Plan by TF Moran Inc. dated March 23, 2000, revised 4/13/03 and received on April 28, 2003 and prior to October 15, 2003.

31. There shall be no removal of the existing vegetative undergrowth within the easement area and the placement of fill, construction of structures, and storage of vehicles or hazardous materials is prohibited.

32. Activities in contravention of the conservation easement shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of the Department of Environmental Services (including remediation and fines).

#### With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(c), alteration of more than 20,000 sq. ft. of nontidal wetlands.

2. The Town of Derry has requested modifications to the permit conditions allowing for additional time to complete restoration of the wetlands and for the recordation of the Conservation Easements, until October 15, 2003.
3. The permit conditions #'s 5, 29 and 30 have been modified as requested by letter from Steven A. Clark as received by DES on July 21, 2003.

**2001-00798                      LAKESIDE AT HERMIT COVE LLC, C/O DAVID DOLAND ASSO**  
**MOULTONBOROUGH   Lake Winnepesaukee**

Requested Action:

Approve name change to: Charles Irving, Mary Anne George, 46 Sears Rd., Whaland, Ma 01778 per request received June 9, 2003.

\*\*\*\*\*

Conservation Commission/Staff Comments:

The conservation commission has not commented on this project.

Inspection Date: 06/13/2002 by Jocelyn S Degler

APPROVE NAME CHANGE:

Dredge and fill 104 sq ft within the bank to construct a 4 ft x 14 ft stairway and two 6 ft x 4 ft concrete pads to anchor two 6 ft x 40 ft seasonal piers connected by a 6 ft x 11.9 ft seasonal walkway in a "U" configuration, on an average of 151 ft of frontage in Hermit Cove, Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by David M Dolan and Associates dated April 10, 2001, as received by the Department on May 9, 2001.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to installation.
3. This permit is contingent on subdivision approval by the DES Subsurface Systems Bureau.
4. These shall be the only structures on this water frontage and all portions of the structures shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
5. The seasonal piers shall be removed from the lake for the non-boating season.
6. No portion of the piers shall extend more than 40 feet from the shoreline at full lake elevation.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
9. The developer of this lot (Northland Residential Corp) shall be financially responsible for increased mitigation efforts of the Loon Preservation Committee(LPC), and shall provide a total of 3 additional floating loon sanctuary signs.
10. The number of motorized boats shall be limited to two for this structure. (Vessels which use motors as an accessory power such as sailboats, canoes, or kayaks shall not be considered a motorized boat.)
11. Sails shall remain furled when entering or exiting Hermit Cove proper, further defined as the area from Goose Island to Echo's Point, during the critical nesting period of the loons May 15 through July 15.
12. Property owners shall be supplied with information by LPC at the closing on each lot to help insure the safety and breeding success of the loons in the cove.
13. Construction shall not occur during the critical nesting period of the loons May 15 through July 15.
14. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This permit transfer is issued in accordance with NH Administrative Rule Wt 502.03(b).

-Send to Governor and Executive Council-

**2002-00749                      NH DEPT OF TRANSPORTATION**  
**ALSTEAD   Warren Brook**

Requested Action:

Impact 3,600 sq. ft. of stream and banks to place 225 linear feet of riprap along the brook banks for stabilization and insert class A stone in the channel to help dissipate energy.

\*\*\*\*\*

Inspection Date: 07/30/2002 by Gino E Infascelli

DENY PERMIT:

Impact 3,600 sq. ft. of stream and banks to place 225 linear feet of riprap along the brook banks for stabilization and insert class A stone in the channel to help dissipate energy. NHDOT project #99056R.

With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(i), alteration of more than 200 linear feet of stream channel and banks.
2. Approvals must be consistent with the findings of public purpose set forth by RSA 482-A:1.
3. The need for the proposed impacts shall be demonstrated by the applicant prior to department approval of any alteration of nontidal wetlands per Rule Wt 302.01.
4. The applicant must provide evidence, which demonstrates that the proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Rule Wt 302.03.
5. The applicant must demonstrate by plan and example that each factor listed in Rule Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
6. According to Rule Wt 302.04(d), the department shall not grant a permit if the applicant fails to document that the proposed alternative is the one with the least adverse impact to areas and environments under the department's jurisdiction, or if the applicant proposes unnecessary destruction of wetlands.
7. DES Staff conducted a field inspection of the proposed project on July 30, 2002. Field inspection found:
  - a. The work area supports a population of brook trout, which would be impacted from the construction activity. The removal of the existing trees and shrubs would eliminate the shading of the water and is likely to allow the generation of invasive plant species;
  - b. The proposed riprap is not designed as a natural configuration as stated in the application;
  - c. The existing stream and banks are very stable and well protected with the existing stone and vegetation;
  - d. There is a very small amount of erosion on the Duffy property where fill has been placed in the floodplain and
  - e. The erosion on the Duffy property could be stabilized by diverting the stormwater runoff to the north west and parallel to the stream to stop it from running over the existing field stone wall and also could slope the existing fill, and stabilize using vegetative plantings.
8. The Administrative Rules Part Wt 404 requires:
  - a. Stabilization by the least intrusive and practical method;
  - b. Diversion of stormwater to the maximum extent practical;
  - c. Natural vegetation to be left intact to the maximum extent possible and unstable banks to be cut back to a flatter slope, seeded and replanted with native trees and shrubs and
  - d. Rip-rap applications shall be considered only where the applicant has demonstrated that the existing factors render vegetative and diversion methods physically impractical;
9. The applicant failed to provide the details required for rip-rap such as the gradation of the stone size, the minimum rip-rap thickness, type of bedding for the stone, a cross section of the proposed installation, a description of the factors that render vegetation and diversion methods physically impossible and a stamped engineering plan.
10. The applicant failed to demonstrate need as required per Rule Wt 302.01 and Wt 302.04(a)(1).

**2002-00822                      LACONIA, CITY OF**  
**GILFORD   Jewett Brook**

Requested Action:

Dredge and fill approximately 65,792 sq ft within forested wetlands and within the bed and banks of two perennial streams and three intermittent streams to construct a roadway to provide access to a 20-lot industrial park. Preserve via conservation easement 44 acres on site, including 16 acres of wetlands and 28 acres of contiguous upland buffer.

\*\*\*\*\*

Conservation Commission/Staff Comments:

The Gilford Conservation Commission has agreed to hold the conservation easement proposed by the applicant.

Inspection Date: 05/08/2003 by Vicki P Chase

Inspection Date: 05/22/2002 by Doug W Cygan

APPROVE AMENDMENT:

Amend approval to increase the size of the proposed conservation easement and change conditions relative to that easement area.

With Conditions:

Amended Conditions:

1. All work shall be in accordance with plans by SEA Consultants Inc dated January 2003 and revised through March 11, 2003, as received by the Department on March 12, 2003 ("Approved Plans").
2. Mitigation shall be in accordance with plans by The City of Laconia dated July 2003 and received by the department on July 24, 2003.
3. This permit is contingent on approval by the DES Site Specific Program.
4. The applicant shall notify DES and the local conservation commission in writing of their intention to commence construction no less than 5 business days prior to construction.
6. Work shall be conducted during low flow conditions.
7. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
8. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #7 of this approval.
9. The deed which accompanies the sales transaction for lots 204-003.001, 204-003.002, 204-003.004, 204-003.005 204-003.016, 204-003.017, and 204-003.018 as shown on the Approved Plans, shall contain an easement for future construction of a pedestrian trail.
10. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to the start of construction.
11. The contractor shall submit final stream diversion plans/construction sequence for the Jewett Brook crossing to the DES Wetlands Bureau for review and approval prior to construction.
12. The proposed crossing of Jewett Brook on Lot 204-003.010 for construction of a pedestrian path shall be accomplished through installation of a bridge impacting no more than 350 square feet within the banks of Jewett Brook.
13. The proposed crossing of the intermittent stream on Lot 204-003.010 for construction of a pedestrian path shall be accomplished through installation of two 24-inch x 15-foot culverts placed at grade.
14. This permit is contingent upon the execution of a conservation easement on 44 acres as depicted on plans received July 24, 2003.
15. The conservation easement to be placed on the preservation area shall be written to run with the land, and both existing and future property owners shall be subject to this easement.
16. Draft conservation easement language shall be submitted to the DES Wetlands Bureau and Gilford Conservation Commission for review and approval prior to September 1, 2003.
17. The plan noting the conservation easement with a copy of the final easement language shall be recorded at the Belknap County Registry of Deeds Office. A copy of the recording from the County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau by December 1, 2003.
18. The conservation easement area shall be surveyed by a licensed surveyor, and marked by monuments [stakes] by December 1, 2003.
19. Signs to indicate the location of and restrictions on the area shall be posted every 150 feet along the boundary of the conservation area by December 1, 2003.
20. There shall be no removal of the existing vegetative undergrowth within the easement area and the placement of fill, construction of structures, and storage of vehicles or hazardous materials is prohibited.

21. Activities in contravention of the conservation easement shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of the Department of Environmental Services (including remediation and fines).
22. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands
23. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized. Silt fencing must be removed once the area is stabilized.
24. Extreme precautions shall be taken within riparian areas to limit removal of vegetation during access road construction, and areas cleared of vegetation shall be revegetated within three days of the completion of this project.
25. Work shall be conducted in a manner so as to minimize turbidity and sedimentation.
26. The permittee shall notify the DES Wetlands Bureau in writing within 24-hours of an erosion event resulting in sediment entering a wetland or surface water that results in turbidity or water quality degradation.
27. Construction equipment shall not be located within surface waters.
28. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering wetlands. Faulty equipment shall be repaired prior to entering jurisdictional areas.
29. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in their use.
30. All refueling of equipment shall occur outside of jurisdiction during construction.
31. Dewatering of work areas or of dredge materials, if required, shall be conducted in a manner so as to prevent turbidity.
32. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer
33. All in-stream work shall be conducted in a manner that minimizes the duration of construction in the watercourse. In-stream work shall not exceed five consecutive days in total unless specifically authorized in writing by the DES Wetlands Bureau.
34. The applicant shall submit a post-construction report with the DES Wetlands Bureau within 30 days of the completion of the Jewett Brook crossing. Said report shall contain photographic documentation of the restored stream. The DES Wetlands Bureau may require additional restoration work if the stream is not adequately restored.
35. Dredged material shall be placed out of any area that is within the jurisdiction of the DES Wetlands Bureau.
36. Proper headwalls shall be constructed within seven days of culvert installation.
37. Culvert outlets shall be properly rip rapped.
38. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
39. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
40. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
41. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Storm water Runoff Manual (January, 1996) and the Storm water Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

Reaffirm findings 1-9 on the original approval and add findings:

10. The applicant has increased the size of the conservation easement and now meets the ratios as defined in the draft mitigation policy.
11. The applicant has agreed to the time frames outlined in conditions 16-19 of the amended permit.

**2002-01957                      PASS, LEONARD**  
**JEFFERSON   Israel River**

Requested Action:

Stabilize approximately 220 linear feet of the bank along an unnamed perennial stream adjacent to the Israel River by reshaping the bank and installing riprap along 95 linear feet (impacting 791 square feet) and by installing base logs, root wads, boulders and planting various native shrubs to prevent further bank erosion along 125 linear feet (impacting 892 square feet).

\*\*\*\*\*



**APPROVE PERMIT:**

Stabilize approximately 220 linear feet of the bank along an unnamed perennial stream adjacent to the Israel River by reshaping the bank and installing riprap along 95 linear feet (impacting 791 square feet) and by installing base logs, root wads, boulders and planting various native shrubs to prevent further bank erosion along 125 linear feet (impacting 892 square feet).

**With Conditions:**

1. All work shall be in accordance with revised plans by Watershed to Wildlife, Inc. dated 1/31/03, as received by the Department on 7/14/03.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. The applicant shall notify in writing NHDES Wetlands Bureau and the Jefferson Conservation Commission of their intention to begin construction no less than five (5) business days prior to the commencement of construction.
4. Construction shall be inspected by a qualified wetland scientist, erosion control specialist, or professional engineer to ensure that appropriate protective measures are properly implemented, including those outlined in the plans and documents supporting this permit application and the conditions of this authorization.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Dredged materials and temporary stockpiles shall be located outside of DES Wetlands Bureau jurisdiction.
7. Work shall be done during low flow or dry conditions and between the months of May through September.
8. Construction equipment shall not be located within surface waters.
9. Work shall be conducted in a manner that minimizes turbidity and sedimentation to surface waters and wetlands.
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. A post-construction report documenting the status of the bank stabilization shall be submitted to the Wetlands Bureau within six (6) months of the completion of construction. The report shall contain photographic documentation of the area.
12. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

**With Findings:**

1. The project is classified as a Minor Project per NH Administrative Rule Wt 303.03(1), as each impact area will impact less than 200 linear feet of the perennial stream.
2. The project is necessary to stabilize the bank of an unnamed perennial stream where there is erosion.
3. The applicant is proposing to stabilize some areas of the stream bank with vegetative methods and bioengineered techniques to minimize overall impacts and to encourage long-term stability of the stream bank.

**2003-00042                      SERBAGI, WALTER**  
**NEWMARKET   Lamprey River**

**Requested Action:**

Dredge and fill 1,600 sq. ft. shoreline to reconstruct 200 l.f. of deteriorated stone seawall; install a 90' x 8' float providing three slips on 200 ft. of frontage on the tidal Lamprey River.

\*\*\*\*\*

**Conservation Commission/Staff Comments:**

Did not report.

Inspection Date: 11/14/2002 by Dori A Wiggin

**APPROVE PERMIT:**

Dredge and fill 1,600 sq. ft. shoreline to reconstruct 200 lf of deteriorated stone seawall; install a 90' x 8' float providing three slips on 200 ft. of frontage on the tidal Lamprey River.

With Conditions:

1. All work shall be in accordance with plans by Pickering Marine dated 1/2/03, as received by the Department on 1/8/03.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. Coastal staff shall be notified in writing prior to commencement of work and upon its completion.
4. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
5. Repair of the seawall shall maintain existing size, location and configuration.
6. The decking of the dock shall have 3/4-inch spacing between the decking planks.
7. Work shall be done during low tide.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

With Findings:

1. A marina was approved in the late 1980's for the property of Robert E. Albee, Town of Newmarket tax map U-3, lot 4, under wetlands permit file 88-2634. There was also a second file pertaining to the matter, 88-1436.
2. The marina approved under permit 88-2634 was never fully constructed to provide all services as required by the permit, a key element being construction of a gas dock and transient slip; only the docks, at marina slip count density, were constructed.
3. In 1997, DES investigated a complaint by the Newmarket Code Enforcement Officer and found that the entire dock structure was so deteriorated that it was unsafe for use (complaint file 97-1110).
4. Pursuant to Administrative Rule Wt 402.11, structures are required to be maintained to conform to reasonable safety standards.
5. Upon notification in 1997 that the dock structure was in a condition that failed to meet the requirements of Rule Wt 402.11, the new owner (current applicant Serbagi) removed the deteriorated floats and and cordoned off the the pier area from use.
6. Further, non-compliance with the conditions of the marina approval permit issued in 1988 render that permit (88-2634) invalid.
7. Since 1997, six years have elapsed without repair of the dock to a safe usable standard, thus, in addition to being non-compliant with the original permit and Rule Wt 402.11, the dock structure now qualifies as abandoned pursuant to Rule Wt 101.01, and its non-conformance with current dimensional and non-marina slip standards is not grandfathered.
8. The new dock proposal meets current standards for a non-marina dock structure by providing 3 slips along the proposed float on 200' of frontage.
9. This project represents necessary repair to the seawall and necessary replacement of a severely deteriorated structure.
10. Public hearing is waived based on field inspection by DES personnel on 11/14/02 with the finding that this project will not impair the function of this estuarine ecosystem.
11. This project is consistent with other tidal docking structure approvals in the seacoast region.

-Send to Governor and Executive Council-

**2003-00640                      PHILLIPS EXETER ACADEMY**  
**EXETER   Squamscott River**

Requested Action:

Maintenance dredge 47,000 square feet (7,000 cubic yards) of accumulated sediment from the Phillips Exeter Academy boat house dock area in the Squamscott River to regain all tide access to the adjacent Federal channel. Construct a temporary 45'x8' dock with 6 steel piles and timber crane mat decking at the Exeter Waste Water Treatment Facility to off load dredge spoils for transport to the spoil disposal location.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Has no objection.

Inspection Date: 05/01/2003 by Dori A Wiggin

#### APPROVE PERMIT:

Maintenance dredge 47,000 square feet (7,000 cubic yards) of accumulated sediment from the Phillips Exeter Academy boat house dock area in the Squamscott River to regain all tide access to the adjacent Federal channel. Construct a temporary 45'x8' dock with 6 steel piles and timber crane mat decking at the Exeter Waste Water Treatment Facility to off load dredge spoils for transport to the spoil disposal location.

#### With Conditions:

1. Any future work in jurisdiction as specified in RSA 482-A on this property will require a new application and approval by the Department of Environmental Services.
2. All work shall be in accordance with plans by Appledore Engineering Inc. dated March 2003 as received by the Department on 4/11/03.
3. All dredging and dredge materials disposal shall occur between November 15th and March 15th as required by administrative rule Wt 304.11.
4. Prior to the initiation of dredging, DES shall be provided with plans and narrative description for the erosion/siltation controls to be employed at the off-loading location to ensure that no re-release of sediments back into the river will occur during the transfer of spoils from the barge to trucks, and the movement of the trucks in and out of the transfer area.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Dredged material shall be placed out of any area that is within the jurisdiction of the DES Wetlands Bureau, as coordinated and approved by the DES Waste Management Division.
7. This permit is valid for five years from the date of issuance. Within this time period, any further maintenance dredging/dredged materials disposal, after the proposed project is accomplished, shall require notification and review by DES.
8. Coastal staff shall be notified in writing prior to commencement of work and upon completion.
9. Per the request of the Pease Development Authority- Division of Ports and Harbors, the Exeter Harbormaster (Bud Field) shall be notified upon commencement of work and upon completion.
10. The temporary spoil off-loading dock structure installed at the Exeter Wastewater Treatment Facility shall be removed within 30 days from completion of the project.
11. Permittee shall coordinate with NH Fish and Game Department to ensure that impacts to the four listed bird species sited at the Exeter WWTF around the sewage lagoons are avoided.
12. Work shall be restricted to the area that is devoid of salt marsh vegetation. If, during the construction phase, it becomes necessary work outside of the unvegetated area, a qualified botanist shall verify that stout bulrush (*Scirpus robustus*) and climbing hempweed (*Mikania scandens*) are not located within the work area. If these plant species are identified in that area, the permittee shall coordinate further with DES Wetlands Bureau coastal staff prior to commencement of the project.

#### With Findings:

1. This is a major project per Wt 303.02 (a) as a project in tidal waters, and per Wt 303.02 (k), projects in a wetland that have been identified by NH Natural Heritage Inventory as having documented occurrences of state listed Threatened Species.
2. On April 11, 2003 DES received an application from Phillips Exeter Academy ("PEA") to dredge 47,000 sq. ft. (7,00 cu. yds.) of substrate from the Squamscott River, and construct a temporary 45'x8' pier with 6 steel piles and timber crane mat decking at the Exeter Waste Water Treatment Facility to off load dredge spoils for transport to the spoil disposal location.
3. The last dredging of the area occurred, as permitted by the Army Corps of Engineers, in 1965. Approximately 3 feet of sediment has re-accumulated, to the degree that all tide access to the Federal channel from the boat house is not longer possible for the rowing program. The proposal will regain the 3 feet of depth with a 1 foot overdredge allowance.
4. The application contained the results of a DES-Waste Management Division ("WMD")-approved sampling plan for sediment analysis which demonstrates that sediment constituents are within allowable limits according to WMD requirements for non-hazardous material disposal.
5. The permittee will voluntarily perform additional testing (in coordination with WMD) at the commencement of the project, and upon disposal as an extra measure to ensure that all spoils are clean prior to disposal.
6. Disposal of dredge spoils will occur on upland agricultural land owned by PEA in Kensington. The application contains appropriate erosion/siltation control details with respect to containment and dewatering of the spoils prior to their ultimate spreading on the agricultural land.
7. The application further contained a letter from the Pease Development Authority-Division of Ports and Harbors stating that this project would not hinder navigation and requesting to have the permittee notify the Exeter Harbormaster at the commencement of

the dredge. This request has been included in the permit conditions.

8. The application contains written permission from the Town of Exeter to construct the temporary pier and use the WWTF as the off-loading location.

9. On May 1, 2003 DES personnel inspected application sites, and found that application materials accurately represent site conditions, and that this project is necessary to re-establish all tide access to the federal channel, and represents minor environmental impact.

10. Pursuant to RSA 482-A:8 a public hearing was held on June 24, 2003. The applicant and their representatives, Office of State Planning and DES personnel were the only attendees.

11. With respect to the sensitive species reported by the NH Natural Heritage Inventory DES finds the following:

a. climbing hempweed, coastal shallow emergent marsh, oak-sugar maple forest, and seepage forest are all freshwater species/systems that were not found in a tidal estuary;

b. relative to the four bird species noted to be located at the WWTF sewage lagoon: permit conditions require coordination by the permittee with the NH Fish and Game Department to avoid impact to these species;

c. relative to the Gulf of Maine Saltmarsh, fresh brackish intertidal community and small spike rush located out at the historic "Great Roundabout": the dredge is confined to the boat basin area of the PEA dock on the opposite side of the river well upstream and segregated from these communities;

d. relative to the stout bulrush: the dredging is to be confined to the area that is devoid of salt marsh vegetation. If, during the construction phase, it becomes necessary work outside of the unvegetated area, a qualified botanist shall verify that stout bulrush (*Scirpus robustus*) is not located within the work area. If this plant species is identified in that area, the permittee shall coordinate further with DES Wetlands Bureau coastal staff prior to commencement of the project.

e. relative to the brook floater: this is a freshwater mussel that lives above the dam in the freshwater Exeter River, not the tidal Squamscott where the project is located.

-Send to Governor and Executive Council-

**2003-00759                      KEYSpan ENERGY DELIVERY, RICHARD MACDONALD PRJ MGR**  
**CONCORD   Soucook River**

**Requested Action:**

Temporarily impact a maximum of 23,000 square feet of emergent, forested, and scrub-shrub wetlands, and the bed and banks of seasonal streams, a perennial stream and the Soucook River for the installation of a gas distribution line.

\*\*\*\*\*

**Conservation Commission/Staff Comments:**

In a letter to the DES Wetlands Bureau dated May 15, 2003 the Concord Conservation Commission stated that it had no objections to the proposed project. The Pembroke Conservation Commission did not comment on this project.

Inspection Date: 07/07/2003 by Jocelyn S Degler

**APPROVE PERMIT:**

Temporarily impact a maximum of 23,000 square feet of emergent, forested, and scrub-shrub wetlands, and the bed and banks of seasonal streams, a perennial stream and the Soucook River for the installation of a gas distribution line.

**With Conditions:**

1. All work shall be in accordance with plans by Coler and Colantonio Titled: "Plan Set 1-Preferred Alignment Route 393 Corridor" dated June 2003, and revised through July 2003 as received by the Department on July 23, 2003; or plans by Coler and Colantonio Titled: "Plan Set 2-Alternate Alignment Old Loudon Road" dated July 2003, as received by the Department on July 23, 2003
2. Any further alteration of areas within the Right-of-Way that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. This permit is contingent on approval by the DES Site Specific Program.

4. No identified areas containing wild lupine shall be cleared.
5. Trench plugs shall be installed in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
6. The applicant shall coordinate with the DES Watershed Management Bureau's Water Quality Planning Section.
7. The applicant shall notify in writing the DES Wetlands Bureau, the Concord Conservation Commission and the Pembroke Conservation Commission of their intention to commence construction no less than five (5) business days prior to the commencement of construction and prior to crossing the Soucook River.
8. This permit is contingent on review and approval, by the DES Wetlands Bureau, of final stream diversion/erosion control plans. Those plans shall detail the timing and method of stream flow diversion during construction, and depict temporary siltation/erosion/turbidity control measures to be implemented.
9. Work shall be done during annual low flow conditions and work within cold water fisheries shall occur during the months of May through September. No in-stream work in cold water fisheries shall occur after October 1 unless a waiver of this condition is issued by the DES Wetlands Bureau in consultation with the NH Department of Fish and Game.
10. All work within flowing streams shall be conducted in the dry using a dam and flume.
11. Construction equipment shall not be located within surface waters.
12. The equipment crossing of the Soucook River shall be in place for no more than 7 days.
13. All equipment crossings to be installed in flowing streams shall be in place for no more than 14 days.
14. All equipment crossings to be installed in dry channels shall be in place for no more than 30 days.
15. All in-stream work shall be conducted during low flow conditions and in a manner so as to minimize turbidity.
16. Spoils may not be temporarily sidecast into stream channels even if they are currently under dry conditions.
17. All in-stream work shall be conducted in a manner so as to minimize the duration of construction in the watercourse. The DES Wetlands Bureau shall be notified in writing where in-stream construction exceeds 48 continuous hours.
18. The Permittee shall monitor the weather and will not commence work within flowing water, including the installation of cofferdams, when rain is in the forecast.
19. Temporary cofferdams shall be entirely removed immediately following construction.
20. A wetland professional shall verify that the wetlands to be impacted by construction of the pipeline are labeled appropriately in the field. Wetlands shall be re-flagged as necessary during pre-construction preparation in accordance with the United States Army Corps of Engineers Wetlands Delineation Manual, Technical Report Y-87-1.
21. Construction shall be monitored by an environmental inspector (i.e., qualified wetland professional, erosion control specialist, or professional engineer) to insure that appropriate protective measures are properly implemented, including those outlined in the plans and documents supporting this permit application and the conditions of this authorization. The Wetlands Bureau shall be notified in writing of the environmental inspector prior to the start of work and if there is a change of status during the project.
22. Weekly monitoring reports prepared by the environmental inspector shall be submitted to the DES Wetlands Bureau.
23. The applicant shall notify DES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.
24. Construction workspace shall be limited to the construction right-of-way as depicted on the approved plans.
25. Orange construction fencing shall be placed along wetland boundaries when wetlands are within 25 feet of the proposed construction workspace to prevent accidental encroachment on wetlands.
26. Appropriate siltation/erosion/turbidity controls shall be in place prior to clearing, shall be maintained during construction, and shall remain until the area is stabilized.
27. Any clearing required in utility line rights-of-way shall be in accordance with the "Best Management Practices for Erosion Control on Timber Harvesting Operations in New Hampshire." Timber, slash and/or chips shall be removed from wetland areas and shall not be buried in wetlands.
28. All efforts shall be made to fell trees away from wetland resource areas. If a tree should fall into a jurisdictional area it shall be removed immediately.
29. Temporary crossings of surface waters for the purposes of land clearing shall utilize crossing devices in accordance with the "Best Management Practices for Erosion Control on Timber Harvesting Operations in New Hampshire" and shall not be constructed in stream channels greater than 10 feet wide.
30. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during pipeline construction and areas cleared of vegetation to be revegetated as quickly as possible.
31. The only stumps to be removed within the 150 foot forested buffer, as defined by the Comprehensive Shoreland Protection Act RSA 483-B, shall be those in the permanent 10-foot right-of-way. The construction right-of-way shall have vegetation cut to grade and protected with geotextile fabric or similar.

32. Timber or natural fiber mats, or corduroy, shall be used to stabilize the right-of-way in wetlands. These materials shall be entirely removed from wetlands during restoration.
33. Dewatering of work areas shall be discharged to sediment basins located in uplands and lined with hay bales or other acceptable sediment trapping liners. Dewatering water shall be discharged away from water bodies, on stable surfaces, in a non erosive manner. Additionally, all turbid trench dewatering discharged within one-hundred (100) feet of any water body shall be discharged through a filter bag.
34. Wetland vegetation within the construction right-of-way but outside of the permanent right-of-way shall be cut at ground level, leaving the existing root systems to promote revegetation.
35. Topsoil in wetlands shall be stripped and segregated from subsoil during construction. Wetland topsoils shall be stockpiled separately from subsoils and shall be restored following backfill.
36. Spoils adjacent to trenching activities within wetlands jurisdiction shall be placed on geotextile fabrics or similar. All spoils not used for trench backfill shall be removed from jurisdiction.
37. Blast rock from trench excavation shall be disposed of in the trench or shall be removed from the wetland. Blast rock shall not otherwise be buried or distributed on the surface of wetlands.
38. Mulch within the wetland areas shall be straw. Hay shall not be used.
39. Fertilizers and lyme shall not be used within wetland jurisdiction.
40. Wetlands shall be restored to their pre-construction conditions within the right-of-way, including restoration of original grades, within 10 days of backfill.
41. The permittee shall attempt to control invasive, weedy species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*) by measures agreed upon by the Wetlands Bureau.
42. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
43. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands. Faulty equipment shall be repaired prior to entering jurisdictional areas.
44. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
45. Banks shall be restored to their original grades and to a stable condition within three days of completion of construction.
46. Areas outside of the permanent right-of-way from which vegetation has been cleared to gain access to the site shall be allowed to revegetate or be replanted with like native species.
47. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
48. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
49. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
50. Silt fencing must be removed once the area is stabilized.
51. The Environmental Inspector, will be responsible for post-construction monitoring and ensuring that the impact areas are restored in accordance with the approved plans. Monitoring shall be accomplished in a timely fashion and remedial measures taken if necessary.
52. A post-construction report documenting the status of the restored streambed and banks shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.
53. A post-construction report documenting status of wetlands restoration shall be submitted to the Wetlands Bureau within six weeks of the completion of construction.
54. The right-of-way shall be monitored and a written report documenting its condition shall be submitted to the Wetlands Bureau by July 15 of the year following construction. The construction report shall include photographic documentation. The Wetlands Bureau shall require subsequent monitoring and may require corrective measures if the right-of-way is not adequately stabilized and restored.
55. Wetland restoration shall not be considered successful if sites are newly invaded by nuisance species such as common reed or purple loosestrife during the first full growing season following the completion of construction. The applicant shall work with DES to attempt to eradicate nuisance species newly found along the pipeline right-of-way during this same period.
56. Wetland restoration of temporary impact areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or they shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.

With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(c), as the project involves alteration of nontidal wetlands, nontidal surface waters, and banks adjacent to nontidal surface waters in excess of 20,000 square feet in the aggregate.
2. This permit authorizes two routes for the proposed pipeline. The preferred route impacts 42,895 sq ft of wetlands and runs along the Route 393 Right-of-Way. The US DOT is currently reviewing this route within their right-of-way. The second alternative proposes to impact 5570 sq ft of wetlands and runs along Old Loudon Road to Break O'Day Road. The construction of the second alternative is contingent upon US DOT not granting permission to utilize the existing US 393 Right-of-Way.
3. The need for the proposed impacts has been demonstrated by the applicant per Rule Wt 302.01.
4. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Rule Wt 302.03.
5. The applicant has demonstrated by plan and example that each factor listed in Rule Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
6. DES Staff conducted a field inspection of the proposed project on July 7, 2003. The field inspection determined that areas of proposed jurisdictional impacts are unavoidable and the more sensitive areas have been avoided when at all possible.
7. The public hearing is waived with the finding that project impacts will not significantly impair the resources of these wetland ecosystems nor the Soucook River.
8. This project has been relocated along the PSNH Right-of-Way to reduce the chances of third party impacts and roadway realignment impacts.
9. The project has been realigned to avoid Karner Blue Butterfly habitat.
10. The project has been realigned to avoid a colony of wild lupine.
11. All proposed impacts are temporary in nature and will be restored to preexisting conditions or better.
12. Impacts have been avoided and minimized by reducing the width of the construction right of way within the wetlands, utilizing a horizontal directional drill for the first crossing of the Soucook River, maintaining root systems within wetlands where possible, and limiting time for in-stream work.
13. A horizontal directional drill was not possible at the second crossing of the Soucook River due to fissures in the bedrock underlying the area.
14. The project as proposed reduces the amount of impacts to forested areas by utilizing the existing PSNH Right-of-Way.
15. The applicant has been required to upgrade this distribution line as it is currently running at full capacity and will not allow for commercial growth.
16. In a letter to the DES Wetlands Bureau dated May 15, 2003 the Concord Conservation Commission stated that it had no objections to the proposed project.

**2003-00980                      HOFFMAN JR, WALTER**  
**NEW CASTLE   Picataqua River Back Channel**

Requested Action:

Construct a 6 ft x 10 ft fixed pier and a 3 ft x 30 ft ramp connected to a 8 ft x 16 ft pier on the Piscataqua River Back Channel in New Castle, and plant a 3 ft x 30 ft sod path for walkway access through an existing dirt path from the yard to the proposed fixed pier.

\*\*\*\*\*

Inspection Date: 06/25/2003 by Christina Altimari

APPROVE PERMIT:

Construct a 6 ft x 10 ft fixed pier and a 3 ft x 30 ft ramp connected to a 8 ft x 16 ft pier on the Piscataqua River Back Channel in New Castle, and plant a 3 ft x 30 ft sod path for walkway access through an existing dirt path from the yard to the proposed fixed pier.

With Conditions:

1. All work shall be in accordance with plans by Walter Hoffman, Jr., as received by the Department on June 25, 2003.
2. Any future work in jurisdiction as specified in RSA 482-A on this property will require a new application and approval by the Department of Environmental Services ("DES") Wetlands Bureau.
3. Coastal staff shall be notified in writing prior to commencement of work and upon completion.

4. This permit shall not be effective until recorded at the Registry of Deeds Office by the permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau prior to construction.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain in until the area is stabilized.
6. The decking of the dock shall have a minimum of 6 ft. clearance from the surface of the mud flat and shall have 3/4-inch spacing between the decking planks and the ramp shall have a minimum of 3 ft. clearance from the surface of the mud flat.
7. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft. from abutting property lines or the imaginary extension of those lines into the water.
8. Work shall be done during low tide.
9. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
10. Work shall be conducted in a manner that avoids excessive discharges of sediments to fish spawning areas.

With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(a), projects in tidal waters.
2. Public hearing is waived based on DES staff field inspection on April 18, 2003 with the finding that the project impacts will not significantly impair the resources of this tidal river.
3. NH Natural Heritage Inventory (NHNHI) has record of one state threatened plant species within the project limits, Marsh Elder (*Iva frutescens*).
4. DES field inspection on June 25, 2003 finds that Marsh Elder is not present at the location of the proposed dock or sod walkway.
5. The Pease Development Authority - Division of Ports and Harbors has reviewed the plans and determined that the proposed dock does not impede navigation.
6. This dock is consistent with other tidal dock approvals in the seacoast region.

-Send to Governor and Executive Council-

**2003-01149                      PICKEREL COVE ASSOCIATION, C/O PAUL MATHIAS**  
**WAKEFIELD   Pine River Pond**

Requested Action:

Install three 4 ft x 30 ft seasonal docks on an average of 485 ft of frontage on Pine River Pond, Wakefield.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Con. Com. did not respond to application.

APPROVE PERMIT:

Install three 4 ft x 30 ft seasonal docks on an average of 485 ft of frontage on Pine River Pond, Wakefield.

With Conditions:

1. All work shall be in accordance with plans by Paul Mathias, as received by the Department on June 9, 2003.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
5. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
6. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
7. These shall be the only structures on this water frontage and all portions of the structures shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.



8. Seasonal piers shall be removed from the lake for the non-boating season.
9. No portion of the pier shall extend more than 30 feet from the shoreline at full lake elevation.
10. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This project is classified as a major project per Rule Wt 303.02(d), construction of a major docking facility.
2. The applicant has an average of 485 feet of frontage along Pine River Pond.
3. A maximum of 7 slips may be permitted on this frontage per Rule Wt 402.14, Frontage Over 75'.
4. The proposed docking facility will provide 6 slips as defined per Rule Wt 101.07, Boat slip, and therefore meets Rule Wt 402.14.
5. Public hearing is waived based on field inspection, by NH DES staff, on July 18, 2003, with the finding that the project impacts will not significantly impair the resources of Pine River Pond.

-Send to Governor and Executive Council-

**2003-01246                      TROY MILLS INC**  
**TROY   Sand Dam**

Requested Action:

Replenish existing 840 sq ft beach with 16 cu yds of sand on an average of 1,140 feet of frontage on Sand Dam, Troy

\*\*\*\*\*

Conservation Commission/Staff Comments:

No comments provided by the Conservation Commission.

Inspection Date: 05/15/2003 by Jeffrey D Blecharczyk

APPROVE PERMIT:

Replenish existing 840 sq ft beach with 16 cu yds of sand on an average of 1,140 feet of frontage on Sand Dam, Troy

With Conditions:

1. All work shall be in accordance with plans by the applicant, as received by the Department on June 9, 2003.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Repair shall maintain existing size, location and configuration.
6. Area shall be regraded to original contours following completion of work.
7. Dredged or excavated material shall be placed outside of the DES Wetlands Bureau jurisdiction.
8. No more than 16 cu. yds. of sand may be used and all sand shall be located above the normal high water line.
9. This permit shall be used only once, and does not allow for annual beach replenishment.
10. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area as discussed on May 15, 2003 during a site inspection by DES and Town of Troy personnel.
11. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(o), replenishment of a beach that does not meet the criteria for minimum impact under Wt 303.04(d) or minor impact under Wt 303.03(f).
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application

Evaluation, has been considered in the design of the project.

5. DES Staff conducted a field inspection of the proposed project on May 15, 2003. Field inspection determined erosion problems may occur without proper precautionary measures.

6. The public hearing is waived with the finding that the project impacts will not significantly impair the resources of this lacustrine system.

7. Governor and Council Approval is not required for this project as no work will occur within the public waters as defined in RSA 482-A:16 and RSA 482-A:21.

## MINOR IMPACT PROJECT

\*\*\*\*\*

**2002-00403                      PLUMMER III, GEORGE**  
**TUFTONBORO   Lake Winnepesaukee**

Requested Action:

Approve name change to: David Jordan, 61 Maple Ave., Atkinson, NH 03811

\*\*\*\*\*

Conservation Commission/Staff Comments:

No locus on USGS map. Digitized from tax map.

### APPROVE NAME CHANGE:

Dredge 1 cu yd from 36 sq ft of lakebed and excavate 54 sq ft along 27 linear ft of shoreline to construct a 25 ft x 20 ft perched beach with a 1 ft wide perimeter wall and 6 ft wide steps to the water. Construct two 6 ft x 30 ft piling piers connected by a 6 ft x 11 ft 11 in walkway with a 12 ft x 24 ft seasonal canopy over the center slip on 180 feet of frontage on Cow Island, Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by George Plummer dated August 15, 2002, as received by the Department on August 20, 2002.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
4. Dredged or excavated material shall be placed outside of the DES Wetlands Bureau jurisdiction.
5. Stone placed along the beach front for the purpose of retaining sand shall be placed above and/or landward of those rocks currently located along the normal high water line (Elevation 504.32). Those rocks existing at the normal high water line shall remain otherwise undisturbed such that the natural shoreline remains identifiable.
6. The steps installed for access to the water shall be located completely landward of the normal high water line.
7. No more than 10 cu yds of sand may be used and all sand shall be located above the normal high water line.
8. This permit shall be used only once, and does not allow for annual beach replenishment.
9. The applicant shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
10. Revegetation of trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project shall begin at a distance no greater than 5 feet landward from the beach area.
11. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
12. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
13. Pilings shall be spaced a minimum of 12 ft apart as measured center to center.
14. No portion of the piers may extend more than 30 ft lakeward of the normal highwater line.
15. Canopies shall be of flexible fabric and shall be removed for the non-boating season.
16. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This permit transfer is issued in accordance with NH Administrative Rule Wt 502.03(b).

**2003-00490**

**GIULIANO, RICHARD**

**THORNTON Mad River**

Requested Action:

Fill 3,600 square feet of palustrine-forested wetlands to construct an access road to serve an 11-lot subdivision and impact 200 square feet (10 linear feet) within the bed and bank of Chickenboro Brook to install a dry hydrant for fire fighting protection.

\*\*\*\*\*

Conservation Commission/Staff Comments:

\*\*Note for 7/22/03 - Additional application fee of \$92.00 forthcoming from applicant.

APPROVE PERMIT:

Fill 3,600 square feet of palustrine-forested wetlands to construct an access road to serve an 11-lot subdivision and impact 200 square feet (10 linear feet) within the bed and bank of Chickenboro Brook to install a dry hydrant for fire fighting protection.

With Conditions:

1. All work shall be in accordance with the revised plans by Duffield Engineering & Consulting dated 7/10/03, as received by the Department on 7/11/03.
2. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
3. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #2 of this approval.
4. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
5. This permit is contingent on approval by the DES Subsurface Systems Bureau.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and remain until the area is stabilized. Silt fencing must be removed once the area is stabilized.
7. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
8. Work shall be done during low flow or dry conditions.
9. Proper headwalls shall be constructed over the culvert ends within seven days of culvert installation.
10. Stone aprons shall be installed at the culverts outlets to prevent scouring and erosion.
11. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
12. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
13. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
14. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This project is considered a Minor Project per NH Administrative Rule Wt 303.03(h), as wetland impacts are less than 20,000 square feet.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. This project was previously approved under file #1994-0055 with fewer lots, but was never constructed.

**2003-00492                      PROPERTY CAPITAL VENTURES, LLC, C/O CHARLES SCHWAG**  
**SALEM    Unnamed Wetland**

Requested Action:

Permanently fill approximately 9,860 square feet of man-made and previously disturbed forested and emergent wetlands to construct a two-story college building and associated parking, and temporarily impact approximately 120 square feet of a drainage ditch and adjacent forested wetlands to install a culvert to convey surface water runoff to a stormwater detention basin.

\*\*\*\*\*

Conservation Commission/Staff Comments:

In a letter to the DES Wetlands Bureau dated May 8, 2003 the Salem Conservation Commission recommended approval of the application.

APPROVE PERMIT:

Permanently fill approximately 9,860 square feet of man-made and previously disturbed forested and emergent wetlands to construct a two-story college building and associated parking, and temporarily impact approximately 120 square feet of a drainage ditch and adjacent forested wetlands to install a culvert to convey surface water runoff to a stormwater detention basin.

With Conditions:

1. All work shall be in accordance with the following plans by MHF Design Consultants, Inc., as received by the Department on May 1, 2003:
  - a. The Site Plan (Sheet 4 of 9), the Grading & Utilities Plan (Sheet 5 of 9) and the Site Details (Sheet 8 of 9) dated February 12, 2003 and revised April 9, 2003; and
  - b. The Existing Conditions Plan (Sheet 2 of 9) dated March 31, 2003 and revised April 9, 2003.
2. This permit is contingent on approval by the DES Site Specific Program.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. Work shall be conducted during low flow conditions.
5. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
6. Appropriate erosion, siltation and turbidity controls shall be installed prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. The temporary wetland impact area shall be regraded to original contours, seeded with a wetland seed mix and stabilized immediately following completion of work.
8. Proper headwalls shall be constructed within seven days of culvert installation.
9. Stone aprons shall be installed at culvert outlets where appropriate to dissipate flow velocities and prevent scour and erosion.
10. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
11. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
12. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
13. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
14. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. The project is categorized as a Minor Project, per Rule Wt 303.03(h), as the project will disturb less than 20,000 square feet of nontidal wetlands.
2. The wetlands to be impacted are either man-made or previously disturbed. Furthermore, the emergent wetland on-site is dominated by purple loosestrife.

3. The applicant has received written consent from the owner of Lot 7484 (Salem Tax Map 96), Nine Manor Parkway, LLC, to construct a detention pond on Lot 7484, in accordance with Rule Wt 304.04(a).
4. In a letter dated March 27, 2003 the NH Division of Historical Resources determined that there are no known properties of archaeological, architectural, cultural, engineering, or historical significance within the impact area of the project.
5. In a letter to the DES Wetlands Bureau dated May 8, 2003 the Salem Conservation Commission recommended approval of the application.
6. The need for the proposed jurisdictional impacts has been demonstrated by the applicant per Rule Wt 302.01.
7. The applicant has provided evidence which demonstrates that the proposal is the alternative with the least adverse impact to areas and environments under the Department's jurisdiction, in accordance with Rule Wt 302.03.
8. The applicant has demonstrated by plan and example that each factor listed in Rule Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.

**2003-00718                      GROUSBECK, PETER**  
**WOLFEBORO   Lake Winnepesaukee**

Requested Action:

Repair existing 17 ft 4 in x 28 ft 6 in open-sided boathouse by widening the existing slip to 11 ft, and repair and reduce existing full crib piers by 15 sq ft to two 6 ft x 50 ft crib piers connected by a 4 ft x 11 ft walkway accessed to the shore by a 15 ft x 22 ft deck on an average of 240 ft of frontage on Winter Harbor, Lake Winnepesaukee.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Digitized by guess & previous file. No useful locus information in file.

Con. Com. had no objection for application.

APPROVE PERMIT:

Repair existing 17 ft 4 in x 28 ft 6 in open-sided boathouse by widening the existing slip to 11 ft, and repair and reduce existing full crib piers by 15 sq ft to two 6 ft x 50 ft crib piers connected by a 4 ft x 11 ft walkway accessed to the shore by a 15 ft x 22 ft deck on an average of 240 ft of frontage on Winter Harbor, Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction dated November 18, 2002, revised July 21, 2003, as received by the Department on July 21, 2003.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
4. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
5. Removed material shall be placed outside of the areas under the jurisdiction of the DES Wetlands Bureau before new construction shall begin.
6. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and water at the work site has returned to normal clarity.
7. Repair shall maintain existing size, location and configuration, and will result in an overall reduction in surface area.
8. This permit to replace or repair existing structures shall not preclude the Department of Environmental Services from taking any enforcement action or revocation action if the Department of Environmental Services later determines that these "existing structures" were not previously permitted or grandfathered.
9. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
10. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
11. Existing rocks which have fallen shall be used for repair. No Additional Rocks.

12. Crib material shall be timber, concrete, or other material approved by the Department of Environmental Services, and of such size and spacing as necessary to completely contain the ballast.
13. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
14. These shall be the only structures on this water frontage and all portions of the dock shall be at least 20 ft. from the abutting property lines or the imaginary extension of those lines into the water.
15. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(d), modification of a 3 slip docking facility.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) , Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on June 9, 2003. Field inspection determined the project to be approvable with the condition that there be an overall reduction in square feet of surface water impact.

**2003-01011                      CUNNINGHAM, RICHARD**  
**ALTON   Lake Winnepesaukee**

Requested Action:

Amend permit 2003-01011, approved June 24, 2003, to reflect revised plan received July 21, 2003.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Con. Com. had no objections to project.

APPROVE AMENDMENT:

Permanently remove existing 6 ft x 33 ft seasonal dock, and construct a 6 ft x 40 ft piling pier accessed by a 6 ft x 12 ft walkway, install 4 fender pilings to support a 12 ft x 20 boatlift and one 3-piling ice cluster on an average of 126 ft of frontage on Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by Winnepesaukee Marine Construction dated June 3, 2003, as received by the Department on June 6, 2003.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. The existing dock shall be permanently removed from jurisdiction prior to any new construction.
5. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
6. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
7. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
8. These shall be the only structures on this water frontage and all portions of the dock shall be at least 20 ft. from the abutting property lines or the imaginary extension of those lines into the water.
9. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With the added condition:

10. All work shall be in accordance with plans by Winnepesaukee Marine Construction revised July 21, 2003, as received by the Department on July 21, 2003.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(d), modification of an existing 2-slip docking structure.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The additional length is based on water depth requirements and sand migration concerns.

With the added finding:

6. The abutter signed a waiver to allow the pilings for the boatlift to be placed within the 20 ft setback.

**2003-01122 RUMNEY ECOLOGICAL SYSTEMS**

**RUMNEY Bog Brook**

Requested Action:

Impact 400 square feet of Bog Brook and associated wetlands to install a 40' wooden footbridge and a 30' boardwalk (with approach ramps) to re-route an existing nature trail and install a new wetland crossing. The existing trail system is part of the Quincy Bog Natural Area.

\*\*\*\*\*

APPROVE PERMIT:

Impact 400 square feet of Bog Brook and associated wetlands to install a 40' wooden footbridge and a 30' boardwalk (with approach ramps) to re-route an existing nature trail and install a new wetland crossing. The existing trail system is part of the Quincy Bog Natural Area.

With Conditions:

1. All work shall be in accordance with plans and application by the John Serfass, as received by the Department on 6/6/03.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
4. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
5. Work shall be carried out in a time and manner such that there will be no disturbance to migratory waterfowl breeding areas or fish spawning areas.
6. Work shall be done during low flow.
7. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. The project is classified as a Minimum Impact Project per Rule Wt 303.04(f), as the project impacts are less than 3,000 square feet and per Rule Wt 303.04(n), as the project impacts are less than 50 linear feet within the brook.
2. The exiting nature trail crosses Bog Brook at an old beaver dam site that has a rope handrail. The beavers have recently rebuilt the dam making this portion of the trail unsafe. The new crossing is needed to reconnect the loop trail.

**2003-01153 DUMMER, TOWN OF**

**DUMMER Unnamed Stream**

Requested Action:

Dredge and fill approximately 400 square feet within an unnamed perennial stream (impacting 150 linear feet) to replace and an existing 48" x 27' culvert with a 81" x 59" arch culvert that is 40' long to upgrade the existing crossing on Plain Road.

\*\*\*\*\*

APPROVE PERMIT:

Dredge and fill approximately 400 square feet within an unnamed perennial stream (impacting 150 linear feet) to replace and an existing 48" x 27' culvert with a 81" x 59" arch culvert that is 40' long to upgrade the existing crossing on Plain Road.

With Conditions:

1. All work shall be in accordance with plans and application by Lobdell Associates, Inc., as received by the Department on 6/6/03.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
5. Proper headwalls shall be constructed over the culvert ends within seven days of culvert installation.
6. Culvert outlets shall be properly rip rapped.
7. Work shall be done during low flow.
8. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
9. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This project is considered a Minor Project per NH Administrative Rule Wt 303.03(1), as impacts are less than 200 linear feet to the bed and banks of the stream.
2. The existing culvert is an old metal pipe that is being undermined and represents a safety hazard.

**2003-01156                      CLARK HILL REALTY, LLC**  
**NEW BOSTON   Unnamed Wetland**

Requested Action:

Dredge and fill 9,900 square feet of palustrine forested wetlands and install three 15" x 45' culverts to provide access to a 12 unit townhouse complex

\*\*\*\*\*

Conservation Commission/Staff Comments:

Conservation Commission reviewed the project location on July 1, 2003, and submitted the following comments: 1. Locate a culvert on a dike to maintain drainage; 2. Site was not properly flagged.

Inspection Date: 07/01/2003 by Jeffrey D Blecharczyk

APPROVE PERMIT:

Dredge and fill 9,900 square feet of palustrine forested wetlands and install three 15" x 45' culverts to provide access to a 12 unit townhouse complex



With Conditions:

1. All work shall be in accordance with plans by Joseph M. Wichert, L.L.S., Inc. dated March 10, 2003, as received by the Department on June 10, 2003.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. Logging debris and slash shall be removed from the northern wetland, adjacent to the access road. Removal shall be conducted during low flow by hand or during frozen conditions.
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
5. Work shall be done during low flow.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Proper headwalls shall be constructed within seven days of culvert installation.
8. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
9. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(h), alteration of less than 20,000 sq ft of jurisdictional wetlands.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on July 1, 2003. Field inspection determined the plans accurately depict site conditions. No defined stream channels were documented during the inspection.
6. The project proposes installation of three culverts in the wetland crossing to maintain a hydrologic connection.
7. The proposed roadway location is within a previously disturbed area of jurisdictional wetlands leaving intact the undisturbed westerly section and is therefore considered the least impacting alternative.
8. DES requested the removal of previous logging debris and slash located in the northern wetland.

**2003-01263                      SEARS, PHILIP**  
**WAKEFIELD   Lovell Lake**

Requested Action:

Excavate 12 sqft in the bank to install a concrete pad, construct a 6 ft by 30 ft seasonal dock attached to the concrete pad on 205 ft of frontage on Lovell Lake, Sanbornville.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Con Com signed Exp application

APPROVE PERMIT:

Excavate 12 sqft in the bank to install a concrete pad, construct a 6 ft by 30 ft seasonal dock attached to the concrete pad on 205 ft of frontage on Lovell Lake, Sanbornville.

With Conditions:

1. All work shall be in accordance with plans by Phillip Sears as received by the Department on July 8, 2003.
2. No work is authorized to the existing 16 ft x 26 ft dug-in boathouse.
3. Dredged material shall be placed out of any area that is within the jurisdiction of the DES Wetlands Bureau.
4. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the

registered permit shall be submitted to the DES Wetlands Bureau prior to installation.

5. Seasonal pier shall be removed from the lake for the non-boating season.

6. No portion of the pier shall extend more than 30 feet from the shoreline at full lake elevation.

7. Seasonal piers shall be removed for the non-boating season.

8. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

9. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(d).

## MINIMUM IMPACT PROJECT

\*\*\*\*\*

**2001-01921                      COOKE, THOMAS**  
**ALTON   Lake Winnepesaukee**

Requested Action:

Approve name change to: Mona G Perreault, 75 Chesley Hill Rd., Rochester NH 03839 per request received 7/22/03.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Con Com submitted a letter stating that they have no objections to the project.

APPROVE NAME CHANGE:

Replace 33 linear ft of an existing timber retaining wall with 33 linear ft of prefabricated concrete panel wall on 50 ft of frontage in Alton Bay, Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by Thomas Varney, P.E. dated September 2001, as received by the Department on January 15, 2002.

2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

3. Work shall be done during drawdown.

4. All construction related debris and excavated materials shall be placed outside of the jurisdiction of the DES Wetlands Bureau.

5. Retaining wall shall be constructed landward of the shoreline defined by the elevation of normal high water (504.32) so as not to create land in public water.

6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and remain until the area is stabilized. Silt fencing must be removed once the area is stabilized.

7. All temporary impact areas shall be regraded to original contours following completion of work.

8. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

9. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This permit transfer is issued in accordance with NH Administrative Rule Wt 502.03(b).

**2003-01426                      IRWIN, ROBERT**  
**LACONIA   Lake Winnepesaukee**

Requested Action:

Repair in-kind an existing 8 ft x 143 ft piling pier attached to an existing 4 ft x 37 ft piling pier with an existing 5 ft x 14 ft piling supported walkway, and install a 16 ft x 25 ft seasonal canopy over the center slip on an average of 110 ft of frontage on Lake Winnepesaukee.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Con. Com. did not respond within the required 14 day period.

APPROVE PERMIT:

Repair in-kind an existing 8 ft x 143 ft piling pier attached to an existing 4 ft x 37 ft piling pier with an existing 5 ft x 14 ft piling supported walkway, and install a 16 ft x 25 ft seasonal canopy over the center slip on an average of 110 ft of frontage on Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction dated June 4, 2003, as received by the Department on July 22, 2003.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
4. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
5. Repair shall maintain existing size, location and configuration.
6. All removed material shall be placed outside of DES Wetlands jurisdiction prior to new construction.
7. This permit to replace or repair existing structures shall not preclude the Department of Environmental Services from taking any enforcement action or revocation action if the Department of Environmental Services later determines that these "existing structures" were not previously permitted or grandfathered.
8. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
9. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
10. The canopy shall be of flexible fabric, have no sides and shall be removed for the non-boating season.
11. The canopy shall be constructed so as to minimize the obstruction of views from adjacent properties.
12. The canopy shall not be any longer than a boatslip, as defined in RSA 482-A.
13. These shall be the only structures on this water frontage and all portions of the dock shall be at least 20 ft. from the abutting property lines or the imaginary extension of those lines into the water.
14. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This project is classified as a minimum impact project per Rule Wt 303.04(v), repair of existing structures with no change in size, location or configuration.

**FORESTRY NOTIFICATION**

\*\*\*\*\*

**2003-01375                      MACLAUCHLAN JR, HAROLD**  
**LOUDON   Unnamed Stream**

COMPLETE NOTIFICATION:

Loudon Tax Map 43, Lot# 17

**2003-01462                      FOLEY, ROSEANNE**  
**WAKEFIELD   Unnamed Stream**

COMPLETE NOTIFICATION:

Wakefield Tax Map 22, Lot# 1F

**2003-01473                      UNDERHILL, ROBERT**  
**SALISBURY**

COMPLETE NOTIFICATION:

Salisbury Tax Map 245, Lot# 27

**EXPEDITED MINIMUM**

\*\*\*\*\*

**1999-01591                      MC KAY, JACQUELINE**  
**DALTON   Jock Brook**

Requested Action:

Amend permit to install a 48" x 20' culvert within Jock Brook to repair an existing woods road crossing.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Richard Rush signature on expedited application form.

APPROVE AMENDMENT:

Amend permit to read: Fill approximately 400 square feet and install a 48" x 20' culvert within the banks and bed of Jock Brook to repair an existing woods road crossing.

With Conditions:

1. All work shall be in accordance with plans received by the Department on October 18, 1999.
2. Any further alteration of wetlands on this property will require a new application and further permitting by the DES Wetlands Bureau.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
4. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
5. Work shall be done during low flow.
6. Proper headwalls shall be constructed over the culvert ends within seven days of culvert installation.
7. Culvert outlet shall be properly rip rapped.

**2002-01569                      LYNDEBOROUGH, TOWN OF**  
**LYNDEBOROUGH   Stony Brook**

Requested Action:

Amend permit to allow an existing 72" culvert to be replaced with a 78" culvert.

\*\*\*\*\*

APPROVE AMENDMENT:

Replace an existing 72" culvert with a new 78" culvert, four stone box culverts with 48" culverts, and one stone box culvert with a 36" culvert.

With Conditions:

1. All work shall be in accordance with plans by the applicant as received by the Department on July 19, 2002 except that the 72" culvert is to be replaced with a 78" culvert.
2. Replacement shall maintain existing location and configuration.
3. New culvert inverts shall be set to the same invert elevations as existing culverts to insure that there is no alteration to the hydrology.
4. Proper headwalls shall be constructed within seven days of culvert installation.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
7. Work shall be done during low flow.
8. All work shall take place from the top of the bank. This permit does not authorize placement of machinery in surface waters or on the bed of the stream.

With Findings:

1. This amendment is in response to an emergency request to repair a roadway in danger of collapse.

**2003-01158                      DESCHENE, DONALD**  
**MEREDITH   Lake Winnepesaukee**

Requested Action:

Replace in-kind (3) fender pilings and (1) 3-piling ice cluster adjacent to existing nonconforming 12 ft 5 in x 35 ft 5 in deck over the bank with an existing 3 ft x 28 ft seasonal pier, and an existing 3 ft x 28 ft 6 in hinged seasonal pier on an average of 97 ft of shoreline on Lake Winnepesaukee.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Con. Com. signed application.

APPROVE PERMIT:

Replace in-kind (3) fender pilings and (1) 3-piling ice cluster adjacent to existing nonconforming 12 ft 5 in x 35 ft 5 in deck over the bank with an existing 3 ft x 28 ft seasonal pier, and an existing 3 ft x 28 ft 6 in hinged seasonal pier on an average of 97 ft of shoreline on Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by Winnepesaukee Marine Construction dated June 3, 2003, revised July 1, 2003, as received by the Department on July 18, 2003.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction,

and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

4. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
5. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
6. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
7. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
8. Repair shall maintain existing size, location and configuration, and all removed materials will be placed outside of wetlands jurisdiction prior to new construction.
9. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
10. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This project is classified as a minimum impact project per Rule Wt 303.04(v), repair of existing structures with no change in size, location or configuration.

**2003-01301                      DUBLIN, TOWN OF**  
**DUBLIN   Unnamed Stream**

Requested Action:

Replace 14 culverts and install 1,100 linear feet of under drain along Old Harrisville Road, Dublin

\*\*\*\*\*

Conservation Commission/Staff Comments:

No USGS map. Digitized from tax map.

APPROVE PERMIT:

Replace 14 culverts and install 1,100 linear feet of under drain along Old Harrisville Road, Dublin

With Conditions:

1. All work shall be in accordance with plans by the applicant, as received by the Department on June 25, 2003 and June 26, 2003.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
4. Work shall be done during low flow.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Proper headwalls shall be constructed within seven days of culvert installation.
7. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
8. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
9. No fill shall be done to achieve septic setback and no dredging shall take place that would contradict the DES Subsurface Systems Bureau rules.
10. No fill shall be done for lot development.
11. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing

season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This project is classified as a minimum impact project per Rule Wt 303.04(v), repair of existing structures with no change in size, location or configuration.

**2003-01338                      KELICKER, THOMAS & PATRICIA**  
**HAMPTON   Salt Marsh**

Requested Action:

Impact 64 square feet of developed upland tidal buffer zone for the construction and enclosure of a porch on an existing single-family residence.

\*\*\*\*\*

APPROVE PERMIT:

Impact 64 square feet of developed upland tidal buffer zone for the construction and enclosure of a porch on an existing single-family residence.

With Conditions:

1. All work shall be in accordance with plans by Thomas Kellicker as received by the Department on June 27, 2003.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. Coastal staff shall be notified in writing prior to commencement of work and upon its completion.
4. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(b), projects in previously developed upland areas within 100 feet of the highest observable tide line.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. This property is a fully developed interior lot in Hampton.
5. This approval is consistent with other approvals in the developed upland tidal buffer zone.
6. The abutters with property lines within 20 feet of the proposed porch construction have provided their written approval.
7. The NH Natural Heritage Inventory (NHNHI) has record of one natural community of special concern within the project vicinity, Gulf of Maine Salt Marsh. DES finds that the Gulf of Maine Salt Marsh will not be negatively impacted as a result of the project, as the property does not support salt marsh vegetation, and does not abut the salt marsh.

**2003-01365                      POULIN REV. TRUST, RACHEL**  
**ALTON   Lake Winnepesaukee**

Requested Action:

Install (1) seasonal boatlift and (2) seasonal jet ski lifts in existing slips adjacent to an existing 37 linear ft breakwater, with a 7 ft gap at the shoreline, and an existing 6 ft x 42 ft 6 in cantilevered pier connected to an existing 6 ft x 33 ft piling pier with an existing 6 ft x 32 ft piling supported walkway, in a "U" shaped configuration, on an average of 150 ft of frontage on Roberts Cove, Lake Winnepesaukee.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Con. Com. signed application.

APPROVE PERMIT:

Install (1) seasonal boatlift and (2) seasonal jet ski lifts in existing slips adjacent to an existing 37 linear ft breakwater, with a 7 ft gap at the shoreline, and an existing 6 ft x 42 ft 6 in cantilevered pier connected to an existing 6 ft x 33 ft piling pier with an existing 6 ft x 32 ft piling supported walkway, in a "U" shaped configuration, on an average of 150 ft of frontage on Roberts Cove, Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction dated July 14, 2003, as received by the Department on July 17, 2003.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
5. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
6. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
7. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
8. Seasonal structures shall be removed for the non-boating season.
9. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
10. These shall be the only structures on this water frontage and all portions of the dock shall be at least 20 ft. from the abutting property lines or the imaginary extension of those lines into the water.
11. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(a), installation of seasonal lifts for watercraft in existing boat slips.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2003-01367                      TEMPLE ISRAEL OF DOVER INC**  
**DOVER   Unnamed Wetland**

Requested Action:

Fill 1,900 square feet of a non-tidal wetland for the construction of a driveway crossing to access buildable uplands.

\*\*\*\*\*

APPROVE PERMIT:

Fill 1,900 square feet of a non-tidal wetland for the construction of a driveway crossing to access buildable uplands.



With Conditions:

1. All work shall be in accordance with plans issued by Trittech Engineering Corporation on July 1, 2003, as received by the Department on July 3, 2003.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. Coastal staff shall be notified in writing prior to commencement of work and upon its completion.
4. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
5. No fill shall be done for lot development.
6. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
7. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), projects involving alteration of less than 3,000 square feet of wetlands.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The locations of the access roadways are through the narrowest area of the wetlands.

**2003-01368                      WALPOLE, TOWN OF**  
**WALPOLE   Blanchard Brook**

Requested Action:

Replace existing 6' x 9'6" x 48' arch culvert with a 4'x 10' x 48' box culvert on Valley Rd

\*\*\*\*\*

APPROVE PERMIT:

Replace existing 6' x 9'6" x 48' arch culvert with a 4'x 10' x 48' box culvert on Valley Rd

With Conditions:

1. All work shall be in accordance with plans by the applicant, as received by the Department on July 3, 2003.
2. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
3. Work shall be done during low flow.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Shall provide appropriate temporary diversion of water so as not to disrupt stream flow.
6. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
7. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
8. No fill shall be done to achieve septic setback and no dredging shall take place that would contradict the DES Subsurface Systems Bureau rules.
9. No fill shall be done for lot development.
10. No fill shall take place in Atlantic white cedar swamps.
11. Culvert outlets shall be properly rip rapped.
12. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface

waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This project is classified as a minimum impact project per Rule Wt 303.04(v), repair of existing structures with no change in size, location or configuration.

## SEASONAL DOCK NOTIFICATIO

\*\*\*\*\*

**2003-01572                      RAYMOND, PHILLIP & MELANIE**  
**MEREDITH   Lake Winnepesaukee**

COMPLETE NOTIFICATION:  
Meredith Tax Map U20, Lot# 10 Lake Winnepesaukee

**2003-01573                      QUIRION, EDMUND**  
**GILFORD   Lake Winnepesaukee**

COMPLETE NOTIFICATION:  
Gilford Tax Map 246, Lot# 16 Lake Winnepesaukee

**2003-01577                      MCKEOWN, JAMES & JUDITH**  
**LYMAN   Dodge Pond**

COMPLETE NOTIFICATION:  
Lyman Tax Map 172, Lot# 72 Dodge Pond

**2003-01578                      LIEVENS, ROBERT**  
**SANBORNTON   Lake Winnisquam**

COMPLETE NOTIFICATION:  
Sanbornton Tax Map 18, Lot# 34-2 Winnisquam Lake

**2003-01579                      GIANETTA, JAMES**  
**SANBORNTON   Winnisquam Lake**

COMPLETE NOTIFICATION:  
Sanbornton Tax Map 18, Lot# 34 Lake Winnisquam

**2003-01580                      LANCTO, ELAINE, DARRELL & RENEE**  
**NEWBURY   Lake Sunapee**

COMPLETE NOTIFICATION:

Newbury Tax Map 18, Lot# 308,072 Lake Sunapee

## SHORELAND VARIANCE / WAIV

\*\*\*\*\*

**2003-01214                      LEARY, PAUL**  
**HAMPTON   Tidal Buffer Zone**

### Requested Action:

Approve Shoreland Protection Act Variance #2003-1214 from the requirements of RSA 483-B:9, II(b), which reads: "Primary structures shall be set back behind the primary building line which is 50 feet from the reference line" for the construction of a 28 ft x 32 ft single-family residence 40 feet from the highest observable tide line, and on an undeveloped lot of record.

\*\*\*\*\*

### APPROVE PERMIT:

Approve Shoreland Protection Act Variance #2003-1214 from the requirements of RSA 483-B:9, II(b), which reads: "Primary structures shall be set back behind the primary building line which is 50 feet from the reference line" for the construction of a 28 ft x 32 ft single-family residence 40 feet from the highest observable tide line, and on an undeveloped lot of record.

### With Conditions:

1. Siltation and erosion control measures shall be implemented during all phases of construction.
2. All aspects of the project shall be in accordance with the NHDES Wetlands Permit #2003-145.
3. All aspects of the project shall be in accordance with the plans submitted to DES with the variance request.
4. There shall be no alteration of wetlands for lot development, driveways, culverts, or for septic setback.
5. This conditional variance shall be recorded with the Rockingham County Registry of Deeds so as to run with the land.

### With Findings:

1. The proposed single-family residence will not require the filling of wetlands for development.
2. The proposed construction of the residence on the property in question will not diminish the property value of the surrounding properties, as the use will be identical to the each of the developed abutting properties.
3. The lot was originally recorded as a building lot of record and the owner has been paying taxes accordingly.
4. The Wetlands Application for this project will be approved, contingent upon approval of the variance to RSA 483-B.

## ROADWAY MAINTENANCE NOTIF

\*\*\*\*\*

**2003-01576                      NH DEPT OF TRANSPORTATION, DISTRICT 6**  
**SOMERSWORTH   Unnamed Stream**